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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,148	01/03/2007	Dietrich Klingler	1006/0124PUS1	8901
60601 7590 04/15/2010 Muncy, Geissler, Olds & Lowe, PLLC 4000 Legato Road Suite 310 FAIRFAX, VA 22033			EXAMINER KOSANOVIC, HELENA	
			ART UNIT 3749	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,148	Applicant(s) KLINGLER ET AL.	
	Examiner HELENA KOSANOVIC	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/4/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's amendments filed 3/4/10 are acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 9, 14 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Nocera FR 2799695.

Nocera teaches the invention as claimed:

Regarding claim 1, an air vent (fig. 3), especially for a motor vehicle, with an air-supplying air duct 9 (fig. 3) and with an air conduction device (9B), the air duct in the air conduction device being divided into at least two essentially cylindrical sub ducts (2A **(11A)** and 2B **(11B)**, fig. 3), that wherein the cylindrical sub ducts are arranged parallel with respect to one another (fig. 3).

Regarding claim 9 a device (1B, 1A, fig. 6) for setting the direction of the air stream is arranged after the air conduction device (fig. 4).

Regarding claim 14, the air vent has a lamellar air conduction device (1A and 1B, fig. 5).

Regarding claim 21, A ventilation system for a motor vehicle (fig. 3), characterized by an air vent (fig. 4).

Regarding claim 22, an air vent (fig. 3) with an air conduction device 9, 9A, 9B, 11A, 11B (fig. 3 and fig. 4) and an air-supplying air duct 9A, 9B (fig. 3) in the air conduction device, the air duct being divided into at least two essentially cylindrical subducts e11A, 11B (fig. 3) each having a centerline (not shown center line, but should be in the place of line IV-IV on both duct 11a and 11b, fig. 3), the centerlines of the at least two essentially cylindrical subducts being mutually parallel (fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being obvious over Nocera FR 2799695 in view of Butera WO02/072371.

Nocera teaches the invention as discussed above but is silent about the four air streams.

Butera teaches:

Regarding claim 2, a division (5S and 5D, fig. 2) of the air supplied through the air duct into at least four air streams (7S, 7D, 7C, fig. 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Nocera invention modified with the Butera 4 air streams in order to have more vent openings and thus improve ventilation in the vehicle cabin.

3. Claims 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nocera FR 2799695 in view of Burr DE 10243974 (see also 2006/0135054 which is English translation).

Nocera teaches further:

Regarding claim 19-20, oscillation frequency (controls of the air that is supply to the vehicle cabin) is regulated as a function of one or more regulating parameters (air temperature and speed, see Abstract, lines 1-4)

Nocera teaches the invention as discussed above, but is silent about cylindrical sub ducts arranged concentrically one in the other, about spiral sub duct, and about oscillating flaps.

Burr teaches:

Regarding claim 3, at least one further subduct 12 (figs. 3-4) is provided, arranged around at least one of the cylindrical subducts 11 (figs. 3-4).

Regarding claim 4, the air conduction device has subducts (11, 12, figs. 3-4) arranged concentrically one in the other.

Regarding claim 5, the air condition device has at least one helical or longitudinally indrawn spiral sub duct (12, figs. 3-4)

Regarding claim 6, the helical sub duct has at least one guide (unnumbered spiral wall of duct 12, fig. 3) which is arranged helically.

Regarding claim 7, the pitch of the helix decreases toward the outlet port (fig. 3).

Regarding claim 8, upstream of the air conduction device (-4-), a metering device is arranged, which is designed in such a way that the air capable of being supplied to the individual sub ducts is controllable (is capable of being controlled)

Regarding claim 10 limitation about specific aspect ratio, at the time the invention was made it would have been obvious matter of design choice to a person of ordinary skill in the art to have specific aspect ratio, because applicant has not disclosed that the claimed specific aspect ratio provides an advantage is used for particular purpose or solves a stated problem. One of ordinary skill in the art would have expected the Applicant's invention to perform equally well with claimed aspect ratio or with aspect ratio similar to claimed aspect ration, because both aspects ratio performs the function of transferring the air equally well.

Regarding claim 11, each cylindrical sub duct (11, fig. 3) has arranged around it at helical sub ducts (12, fig. 3) which can be regulated independently of one another via separate control devices 21 (fig. 2).

Regarding claim 12, helical subduct (12, fig. 3) are arranged around cylindrical subduct (11, fig. 3) in the inflow region the air duct assigned to the cylindrical sub ducts being arranged between the air ducts assigned to the helical subducts (12, fig. 3)

Regarding claim 13, the cylindrical subducts project beyond the helical subducts as seen in the air flow direction (fig. 3).

Regarding claim 15, The air vent as claimed in claim 14, wherein the lamellar air conduction device is of centrally divided design, and the two parts can be regulated independently of one another (fig. 2).

Regarding claims 16, a first flap 21 of at least one first duct 12 (fig. 2) and a second flap device (unnumbered flap opposite the flap 21, fig. 2) of at least one second duct 10 (fig. 2) are alternatively opened or closed by means of control device 23 (fig. 2).

Regarding claim 17, alternative opening and closing take place in oscillating manner (examiner notes dictionary defines **oscillate**: **1 a** : to swing backward and forward like a pendulum **b** : to move or travel back and forth between two points (<http://www.merriam-webster.com/dictionary/oscillate>, accessed 1/16/10), in this case flaps oscillates between two points: open and closed position.)

Regarding claim 18 limitation about specific range, at the time the invention was made it would have been obvious matter of design choice to a person of ordinary skill in the art to have specific range, because applicant has not disclosed that the claimed specific range provides an advantage is used for particular purpose or solves a stated problem. One of ordinary skill in the art would have expected the Applicant's invention to perform equally well with claimed range or with range similar to claimed range, because both aspects ratio performs the function of transferring the air equally well.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the Nocera invention modified with the Burr teaching of cylindrical sub ducts arranged concentrically and spiral in one other, about spiral sub duct, with oscillating flaps in order to get a diffuse setting and thus prevent the emerging airstream

from blowing onto a vehicle occupant at a high velocity (see Burr English translation paragraphs 0002-0005)

Response to Arguments

Applicant's arguments filed 3/4/10 have been fully considered but they are not persuasive.

In response to the Applicant argument that Nocera ducts 9A and 9B are not parallel the examiner disagrees, because as seen on figure 3 and 4 duct 9A and 9B are parallel as long as their central axis are parallel, which is indicated on figures 3-4.

Further, as is seen on figure 4, elements 2A and 2B are part of the duct that is parallel to each other. Best illustration for said statement is Figure 4, which is a side view where elements 2A (with its extension 12A as a part of 2A) shows a duct and from figure 3 (top view) it is clear that said duct are parallel. See also fig. 2, which shows that duct 2A and 2B are parallel because they are extending in same direction, everywhere equidistant and not meeting (see definition <http://www.merriam-webster.com/dictionary/parallel>, 4/10/10).

Therefore even if ducts 9A, 11 A are not parallel along their whole length, as Applicant stated, they are parallel at the end portion of its length and therefore said ducts are parallel.

Regarding claim 2 argument, the examiner notes that it is clear from the Butera, that two ducts 5S and 5C and 6s 6c, as extension (which are similar to the Nocera ducts

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9A and 9B). At the end of said duct of the Butera there are ducts 7c, 7D, 7C that presents division of said two ducts into at least 4 airstreams through said openings 7C, 7D and 7S.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENA KOSANOVIC whose telephone number is (571)272-9059. The examiner can normally be reached on 8:30-5:00, Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Helena Kosanovic/
Examiner, Art Unit 3749
41010

/Steven B. McAllister/
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